

Exhibit 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP.,
SMARTMATIC INTERNATIONAL
HOLDING B.V., and SGO
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY
PILLOW, INC.,

Defendants.

Case No. 22-cv-0098-JMB-JFD

**DECLARATION OF ANTONIO MUGICA IN SUPPORT OF PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Antonio Mugica, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am Chief Executive Officer of Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited.
2. I am over the age of 18 and I am competent to make this declaration. The facts set forth below are true to the best of my knowledge, information, and belief, and if called upon to testify as a witness, I could and would testify competently to them.
3. Roger Piñate and I formed Smartmatic USA Corp. as a Delaware corporation in April 2000. It was headquartered in Boca Raton, Florida.
4. Mr. Piñate and I acquired Smartmatic International Holding B.V. as a Netherlands corporation in April 2005. It was headquartered in The Netherlands.

Smartmatic USA Corp is a wholly owned subsidiary of Smartmatic International Holding B.V.

5. Mr. Piñate and I formed SGO Corporation Limited as a United Kingdom corporation in December 2010. It was headquartered in the United Kingdom. Smartmatic International Holdings B.V. is a wholly owned subsidiary of SGO Corporation Limited.

6. Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited individually and collectively operate under the brand name “Smartmatic” to sell “Smartmatic” products. As used herein, the term “Smartmatic” refers to all three Smartmatic companies.

7. Smartmatic is a technology company that focuses on providing election-related equipment and services to countries, states, and localities around the world.

8. Prior to the 2020 U.S. Election, Smartmatic had processed more than 5 billion votes in more than 25 countries on five continents, all without any election security breach.

9. While Smartmatic’s technology varies by jurisdiction and election, all of its voting equipment included an auditable paper record of the vote cast by the voter.

10. Every post-election audit ever conducted of the votes processed using Smartmatic voting equipment has confirmed the accuracy of the vote count. No audit anywhere, anytime has ever found an instance of Smartmatic voting equipment switching or inflating votes.

11. Smartmatic had a limited role in the 2020 United States presidential election (the “2020 U.S. Election”). Smartmatic manufactured ballot marking devices (“BMDs”)

for Los Angeles County. BMDs consist of a touchscreen that allows a voter to select their candidate(s). The BMD generates a paper record of their vote, the voter reviews this paper record, and then, assuming the voter is satisfied with it, the voter inserts the paper record back into the BMD, where it is deposited into a sealed case attached to the BMD.

12. The BMDs used in Los Angeles County for the 2020 U.S. Election were not connected to the internet. Nor were the BMDs used to count or tabulate votes. The paper records generated by the BMDs were counted in Los Angeles County by the county itself using a vote tally system provided by Digital Foundry, Inc. Smartmatic played no role in the counting or tabulating of votes.

13. Smartmatic played no role in the 2020 U.S. Election outside of Los Angeles County. Smartmatic did not provide election technology or services to any other state or county in the United States. Smartmatic did not license its technology or software to any other state or county. Smartmatic did not count or tabulate votes in any state or county in the United States, including Los Angeles County.

14. The only role Smartmatic played in the 2020 U.S. Election was providing BMDs to Los Angeles County and assisting with some administrative election related services in Los Angeles County.

15. Post-election audits in Los Angeles County found no instances of election fraud, switched votes, or inflated votes.

16. Neither Smartmatic nor any Smartmatic technology switched, altered, shifted, or changed any votes cast during the 2020 U.S. Election, or any election.

17. Smartmatic's BMDs did not have, and have never had any functionality that allowed for the switching, altering, or changing of the votes cast by the voter. The paper record created by Smartmatic's BMD prevented a vote from being switched, altered, or changed by a third party.

18. Because they were not connected to the internet, Smartmatic's BMDs were not (and could not be) hacked during the 2020 U.S. Election. And because they were not connected to the internet, Smartmatic's BMDs did not (and could not) send votes overseas during the 2020 U.S. Election.

19. Smartmatic did not receive any notice or comments by anyone with Los Angeles County that a voter claimed or commented that his or her vote had been switched, altered, or changed by Smartmatic's BMD.

20. No state or federal investigation has concluded that the 2020 U.S. Election was rigged or that votes were manipulated by voting machines, including Smartmatic's BMDs used in Los Angeles County.

21. Smartmatic did not license its technology or software to any other voting company. Smartmatic maintains the confidentiality of its software and does not share it with other voting companies so they can use it as the "DNA" for their voting systems.

22. Smartmatic software was not used in any other jurisdiction or by any other voting company, including by Dominion, in the 2020 U.S. Election.

23. 23. Smartmatic does not and has never owned Dominion. Dominion does not and has never owned Smartmatic. Smartmatic is not and was not a subsidiary of Dominion or vice versa. Smartmatic does not and did not share offices or officers with Dominion.

Smartmatic had no cooperative business relationship with Dominion in 2020. Smartmatic and Dominion were and are unrelated, independent competitors.

24. 24. Smartmatic developed the software used with Smartmatic's BMDs per instructions from Los Angeles County. The software does not include an algorithm to switch votes. The software does not have a backdoor to switch votes, and the manual accompanying Smartmatic's BMDs does not describe how an operator can switch votes.

25. 25. Smartmatic's BMD underwent pre-election certification and testing by independent third parties and the State of California. None of the third parties nor the State of California detected an algorithm, backdoor, or manual for the BMDs for switching votes.

26. 26. Smartmatic has never developed software that has an algorithm to switch votes, has a backdoor to switch votes, or a manual explaining how to switch votes. All Smartmatic technology used for recording or processing votes creates or keeps a paper record (e.g. paper ballot) that memorializes the voter's vote, or employs other processes that can be used for auditing results.

27. 27. No post-election audit has ever found that Smartmatic's software had switched votes. And no pre- or post-election evaluation by independent third parties has found that Smartmatic's software has an algorithm to switch votes, a backdoor to switch votes, or a manual with instructions on how to switch votes.

28. Smartmatic has not designed any of its election technology to rig elections. On the contrary, Smartmatic's technology is designed in a way to make it virtually impossible. Smartmatic is required to and has designed its election technology to enable all election stakeholders to audit the entire process.

29. Smartmatic's election technology keeps or generates a paper record (*e.g.*, paper ballots or voter verified paper audit trail) that are used by election officials to confirm the accuracy of the vote count.

30. Prior to the 2020 U.S. Election, Smartmatic technology had been used to register and count nearly 5 billion auditable votes without any election security breach.

31. Smartmatic has never rigged an election and its technology has never been used to manipulate votes. Smartmatic technology has been open to audits in all the countries where it operates, and it has been audited in accordance with the laws and regulations of each country. All audits of elections that have used Smartmatic technology have validated the results, confirming the integrity of the election.

32. Smartmatic technology used during the 2020 U.S. Election was not the same technology used in other elections. In the 2020 U.S. Election, Smartmatic manufactured BMDs based on design instructions provided by Los Angeles County.

33. The technology that Smartmatic provided Los Angeles County for the 2020 U.S. Election was different than the technology that Smartmatic deployed in Venezuela. The technology was also different than the technology Smartmatic deployed in the Philippines. The software used with the BMDs manufactured for Los Angeles County is not the same software that Smartmatic developed for Venezuela or the Philippines.

34. Elections conducted with Smartmatic technology have been validated by world-renowned institutes such as the Carter Center, the Organization of American States, and the European Union. Any claims challenging the integrity of the system or the accuracy of the results have been dismissed.

35. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on:

A handwritten signature in black ink, appearing to be 'AM', is written over a horizontal line.

Antonio Mugica